

The Examiner is thanked in advance for such considerations. Contact will also be attempted by the undersigned attorneys to schedule an Examiner Interview. In the event that the present papers, in and of themselves, are sufficient to place the application in condition for allowance, no Examiner interview would be necessary.

**KOJIMA ET AL. 35 USC 103 ART VIA 35 USC 102(e) - POSSIBLY PRECLUDABLE  
VIA REFILING TO OBTAIN A POST-NOVEMBER 29, 1999, FILING DATE  
AND COMMON ASSIGNMENT AT THE TIME OF INVENTION**

As stated in MPEP 706.02(l)(1), effective November 29, 1999, subject matter which was prior art under former 35 USC 103 via 35 USC 102(e) is now disqualified as prior art against the claimed invention under 35 USC 103 (but not 102(e)), if that subject matter and the claimed invention "were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." This change to 35 USC 103(c) applies to all utility, design, and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution applications filed under 37 CFR 1.53(d), and reissues, but does not apply to any application filed before November 29, 1999, a request for examination under 37 CFR 1.129 of such an application, nor a request for continued examination of such an application.

While the present application was filed before November 29, 1999, proper refiling to obtain a post-November 29, 1999, filing date may result in the 35 USC 103 art via 35 USC 102(e) being precluded. In the event the present rejection is upheld despite Applicant's traversal arguments (submitted herewith), Applicant will then consider the propriety of refiling the present application to obtain a post-November 29, 1999, filing date.

### **PENDING CLAIMS**

Claims 1-26 were pending under consideration and subjected to examination in the Office Action. At entry of this paper, Claims 1-26 will be pending for further consideration and examination in the application.

### **ALLOWED CLAIMS**

Claims 1-10, 12-18 and 26 have been allowed in the application, as indicated within the section number "4" on page 3 of the Office Action. Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

### **REJECTION UNDER 35 USC §103**

The 35 USC §103 rejection of claims 11 and 19-25 as being unpatentable over Shimada, et al. (U.S. Patent 4,847,788) in view of Kojima, et al. (U.S. Patent 6,005,576) is respectfully traversed based upon the following.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Applicant respectfully agrees with the Office Action comments regarding Shimada, et al. that "Shimada, et al. teach a drawing management and display device comprising a display means for displaying the drawing data (Fig. 2A), but fails to teach a means for displaying a three dimensional retrieval icon representing the amount of data".

However, Applicant cannot agree with the Office Action comments regarding Kojima, et al., that "Kojima, et al. teach another data processing system comprising a

means for displaying a three dimensional retrieval icon representing the amount of data of the object represented by that icon". That is, Kojima, et al. Fig. 1 and Figs. 10-18A merely show a "tower of Hanoi" stackable game where discs are moved between the three Kojima, et al. pegs (this is often used as the teaching material of programming) displayed on a display device, i.e., the Fig. 1 and Figs. 10-18A discs or stacks of Kojima do not represent icons for sub-drawings, or represent an amount of data. Further, Kojima, et al. do not suggest the same. Since the detailed explanation as to the tower of Hanoi game is made in Kojima, et al. (columns 5 to 6, etc.), Applicant respectfully submits that the Office Action comments reflect a misunderstanding of the disclosure of Kojima, et al. Accordingly, it appears that the Office Action has mistaken the Kojima, et al. game discs as icons, and has applied the same in an attempted improper hindsight reconstruction rejection.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a §103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such §103 rejection, and express written allowance of all of the §103 rejected claims, are respectfully requested.

#### **EXAMINER INVITED TO TELEPHONE**

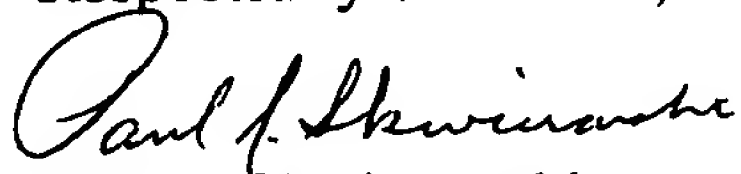
The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (referencing case No. 500.30789R00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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